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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Sep 17, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

VIJUVE, INC., a Florida corporation,

Plaintiff/Counterclaim

No. 2:21-CV-00192-SAB

Defendant,

v.

KASPIEN, INC., a Washington corporation,

Defendant/Counterclaim

**ORDER GRANTING  
DISMISSAL CASE AND  
CLOSING FILE**

Plaintiff.

Before the Court are Counterclaim Plaintiff Kaspian's Motion for Voluntary

Dismissal and Entry of Judgment, ECF No. 162, and Counterclaim Defendant's

Motion to Withdraw as Attorney, ECF No. 164. Defendant Kaspian is represented

by Charles Hausberg and Kelly E. Konkright. Plaintiff Vijuve is represented by

Edward L. Redmond and Constance Proctor. The motions were considered without

oral argument.

Counterclaim Plaintiff Kaspian Inc. ("Kaspian") moves for an Order voluntarily dismissing its counterclaims without prejudice. Because this dismissal will conclude the case, Kaspian requests entry of judgment regarding the Court's two awards of attorneys' fees and costs which total \$196,646.60.

Currently, all that remains in this lawsuit are Kaspian's counterclaims. On December 18, 2023, Kaspian issued a press release announcing its decisions to

**ORDER GRANTING DISMISSAL CASE AND CLOSING FILE # 1**

1 delist its common stock and deregister as a public company under the Securities  
2 Exchange Act of 1934. Kaspien currently exists solely to wind down its company  
3 operations and satisfy any of its outstanding creditors by maximizing the value of  
4 its business and assets.

5 Under Rule 42 (a)(2) of the Federal Rules of Civil Procedure, “an action  
6 may be dismissed at the plaintiff’s request only by court order, on terms that the  
7 court considers proper.” Being fully informed, the Court grants the motion and  
8 closes the file.

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**ORDER GRANTING DISMISSAL CASE AND CLOSING FILE # 2**

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendant/Counterclaim Plaintiff Kaspien's Motion for Voluntary  
3 Dismissal and Entry of Judgment, ECF No. 162, is **GRANTED**.

4 2. Plaintiff/Counterclaim Defendant Vijuve's Motion Withdraw as  
5 Attorney, ECF No. 164, is **DISMISSED as moot**.

6 3. In accordance with Kaspien's voluntary dismissal pursuant to  
7 Rule 41(a)(2), the above-mentioned matter is **DISMISSED**.

8 4. Defendants' counterclaims against Plaintiff are **DISMISSED**.

9 5. The action is dismissed **with an award of attorneys' fees totaling**  
10 **\$196,646.60 to Defendant** pursuant to ECF Nos. 154 and 161.

11 6. The Clerk of the Court shall **ENTER JUDGMENT** in favor of  
12 Defendant and against Plaintiff.

13 7. All pending motions are **DISMISSED as moot**.

14 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
15 forward copies to counsel, **enter judgment, award attorney's fees**, and **close the**  
16 file.

17 **DATED** this 17th day of September 2024.



21 A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is fluid and cursive, with a blue horizontal line underneath it.

22 Stanley A. Bastian  
23 Chief United States District Judge  
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